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5 **UNITED STATES DISTRICT COURT**
6 **WESTERN DISTRICT OF WASHINGTON**
7 **AT SEATTLE**

8 DR. GREEN, INC., a California corporation
9 Plaintiff,

10 v.

11 JAMES MATTHEW STEPHENS, an
12 individual, and SPECTRUM
13 LABORATORIES, LLC an Ohio limited
14 liability company,

15 Defendants.

16 NORTHWEST WHOLESALE GROUP
17 INC.,

18 Garnishee.

NO. 2:22-mc-00097-RLS

**JUDGMENT CREDITOR
SPECTRUM LABORATORIES,
LLC'S REPLY IN SUPPORT OF
MOTION FOR DEFAULT
JUDGMENT**

19 Judgment Creditor Spectrum Laboratories, LLC ("Judgment Creditor" or "Spectrum")
20 submits this Reply in support of it's Motion for Default Judgment against Garnishee Defendant
21 Northwest Wholesale Group, Inc. ("Northwest" or "Garnishee Defendant"). Judgment Creditor
22 holds a \$3,804,416.38 judgment entered in the US District Court for the Southern District of
23 California under case number 11-cv-0638-JAH that was transferred and registered with this court
24 when the judgment debtor Matthew Green moved to Washington state. Judgment debtor Green's
25 company (that is also subject to the judgment) had previously employed Thomas Prieto. When
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1 judgment debtor Green moved from Southern California to Washington, his former employee
2 Thomas Prieto formed Northwest and has held himself out as the sole owner. However, it appears
3 all sales and revenues are generated and paid to judgment debtor Green and should be subject to
4 judgment creditor's writs of garnishment. Attached to the Pharris Decl. as Exhibit "1" is a true
5 and correct copy of correspondence between Judgment Creditor's counsel and counsel for Green
6 and Northwest containing background regarding judgment debtor Green's "employment" at
7 Northwest.
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10 The Judgment Creditor is entitled to default judgment because Northwest, the Garnishee
11 Defendant failed to file an answer to the writ of garnishment issued by the court and served on
12 Northwest months ago (see Dkt #s 6 and #8)—on December 4, 2022. RCW 6.27.190(1) requires
13 that "The answer of the garnishee shall be signed by the garnishee or attorney or if the garnishee
14 is a corporation, by an officer, attorney or duly authorized agent of the garnishee, under penalty
15 of perjury, and the original and copies delivered, either personally or by mail, *as instructed in the*
16 *writ.*" (emphasis added).
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20 The Writ (Dkt. #6) instructed Northwest: "*within twenty days (20) after the service* of the
21 writ upon you, to mail or deliver the original of such answer *to the court*, one copy to the
22 *Judgment Creditor or the Judgment Creditor's attorney*, and one copy to Judgment Debtor, at
23 the address listed at the bottom of this writ. (emphasis added). No answer was received by the
24 Judgment Creditor including its attorney, nor was an answer filed within 20 days (or even within
25 60 days) and therefore Judgment Creditor filed a Motion for Default and Judgment pursuant to
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1 RCW 6.27.200. *Pharris Declaration in Support of Judgment Creditor's Motion for Default*
2 *Judgment* ("Pharris Decl."), Dkt.#8, ¶4.
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4 RCW 6.27.200 provides:

5 "If the garnishee fails to answer the writ within the time prescribed in the writ, after the time
6 to answer the writ has expired and after required returns or affidavits have been filed, showing
7 service on the garnishee and service on or mailing to the defendant, it shall be lawful for the
8 court to render judgment by default against such garnishee, after providing a notice to the
9 garnishee by personal service or first-class mail deposited in the mail at least ten calendar days
10 prior to entry of the judgment, for the full amount claimed by the plaintiff against the
11 defendant, or in case the plaintiff has a judgment against the defendant, for the full amount of
12 the plaintiff's unpaid judgment against the defendant with all accruing interest and costs as
13 prescribed in RCW 6.27.090:....and in addition, the plaintiff shall be entitled to a reasonable
14 attorney's fees for the plaintiff's response to the garnishee's motion to reduce said judgment
15 against the garnishee under this proviso and the court may allow additional attorney's fees for
16 other actions taken because of the garnishee's failure to answer."
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18 On February 6, 2023, three days after the Motion for Default Judgment (Dkt. # 7) was
19 filed, the Garnishee Defendant Northwest filed an answer and served a copy on Judgment
20 Creditor for the first time. Attached as Exhibit A to the Pharris Reply Decl. in support of
21 Judgment Creditor's Motion for Default is the estimated and actual billings related to the motion
22 for default totaling \$7,765. At a minimum, the court should enter judgment against Northwest
23 for the legal fees incurred by Judgment Creditor and relating to the Motion. Also attached as
24 Exhibit B to the Pharris Reply Decl. in support of the Motion is detailed information regarding
25 judgment debtor's ongoing earnings as indicated by the judgment debtor in his supplemental
26 proceeding examination. Nonetheless, the court should also enter the judgment submitted by
Judgment Creditor with the Motion.

1
2 DATED this 17th day of February 2023.
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5 LASHER HOLZAPFEL
6 SPERRY & EBBERSON, PLLC

7 /s/ Danial D. Pharris

8 Danial D. Pharris, WSBA No. 13617
9 Julie M. Pendleton, WSBA No. 52882
10 Attorneys for Judgment Creditor
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DECLARATION OF SERVICE

On February 17, 2023, I caused to be served a true and correct copy of the foregoing document upon counsel of record, at the address stated below, via the method of service indicated:

Jesse D. Conway
Conway Law, PLLC
1014 Franklin Street, Suite
Vancouver, WA 98660

- ☐ Via Messenger
☐ Via E-Service via King County
☐ Via Overnight Delivery
☐ Via U.S. Mail
☒ Via Email

JESSE@CONWAYLAW.NET

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED this 17th day of February, 2023, at Seattle, Washington.

By: /s/ Elizabeth Luksetich
Elizabeth Luksetich, Legal Assistant